

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHRISTOPHER KNOX,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 09-cv-341-DRH
)	
DR. MARVIN POWERS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's motion for leave to file a third amended complaint (Doc. 7), along with his proposed pleadings. This motion is **GRANTED**; the Clerk shall file the third amended complaint. It follows that Plaintiff's motion to voluntarily dismiss the second amended complaint and proceed on third amended complaint (Doc. 11) is **GRANTED**.

Finally, Defendants Bartley, Houston, Osman, Caliper and Moore have filed a motion to supplement the record (Doc. 9). They wish to add to the record their motion to dismiss the second amended complaint that was originally filed in state court, but did not become part of the record when the action was removed to this District. Because the second amended complaint is now superceded, that motion to dismiss would be moot; thus, the instant motion is **DENIED**.

IT IS SO ORDERED.

DATED: June 5, 2009.

/s/ DavidRHerndon
CHIEF JUDGE
UNITED STATES DISTRICT COURT